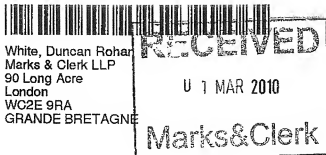




European Patent Office
80295 MUNICH
GERMANY
Tel. +49 (0)89 2399 - 0
Fax +49 (0)89 2399 - 4465



White, Duncan Rohan
Marks & Clerk LLP
90 Long Acre
London
WC2E 9RA
GRANDE BRETAGNE

For any questions about
this communication:
Tel.: +31 (0)70 340 45 00

Date
26.02.10

Reference PN513441EPB	Application No./Patent No. 09012016.3 - 2416 / 2136516
Applicant/Proprietor NDS Limited	

Communication

The extended European search report is enclosed.

The extended European search report includes, pursuant to Rule 62 EPC, the European search report (R. 61 EPC) or the partial European search report/ declaration of no search (R. 63 EPC) and the European search opinion.

Copies of documents cited in the European search report are attached.

☒ 1 additional set(s) of copies of such documents is (are) enclosed as well.

The following have been approved:

☒ Abstract ☒ Title

☐ The Abstract was modified and the definitive text is attached to this communication.

The following figure(s) will be published together with the abstract: 9

Refund of the search fee

If applicable under Article 9 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.



EUROPEAN SEARCH REPORT

Application Number
EP 09 01 2016

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
A	DE 102 25 425 A1 (SIEMENS AG [DE]) 18 December 2003 (2003-12-18) * abstract * * column 1 - column 2 * * column 5 - column 6 *	1-12	INV. H04L12/58
A	WO 03/053092 A (SK TELECOM CO LTD [KR]; YUN HONG-SEO [KR]; LEE SANG-HEE [KR]; SOHN SAN) 26 June 2003 (2003-06-26) * abstract * * page 5 - page 8 *	1-12	
A	WO 02/43414 A (NOKIA CORP [FI]) 30 May 2002 (2002-05-30) * abstract * * page 2 - page 5 * * page 7 * * claim 6 *	1-12	
A	EP 1 289 322 A (CIT ALCATEL [FR]) 5 March 2003 (2003-03-05) * abstract * * paragraph [0009] - paragraph [0010] *	1-12	TECHNICAL FIELDS SEARCHED (IPC) H04L H04Q
The present search report has been drawn up for all claims			
Place of search Munich		Date of completion of the search 22 February 2010	Examiner Dechmann, Jean-Louis
<p>CATEGORY OF CITED DOCUMENTS</p> <p>X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document</p> <p>T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document</p>			

**ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.**

EP 09 01 2016

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

22-02-2010

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
DE 10225425	A1	18-12-2003	AU 2003243907 A1	22-12-2003
			CN 1659839 A	24-08-2005
			WO 03105425 A1	18-12-2003
			EP 1518375 A1	30-03-2005
			JP 2005529551 T	29-09-2005
			US 2005174261 A1	11-08-2005
WO 03053092	A	26-06-2003	AU 2002353557 A1	30-06-2003
			CN 1605221 A	06-04-2005
			KR 20030049161 A	25-06-2003
			TW 286035 B	21-08-2007
			US 2005138123 A1	23-06-2005
WO 0243414	A	30-05-2002	AU 2634402 A	03-06-2002
			EP 1410659 A2	21-04-2004
			FI 20002566 A	23-05-2002
			US 2002087549 A1	04-07-2002
EP 1289322	A	05-03-2003	CN 1407820 A	02-04-2003
			FR 2828970 A1	28-02-2003
			JP 2003163953 A	06-06-2003
			US 2003040300 A1	27-02-2003
			US 2007173268 A1	26-07-2007

The examination is being carried out on the **following application documents**

Description, Pages

1-27 as originally filed

Claims, Numbers

1-12 as originally filed

Drawings, Sheets

1/8-8/8 as originally filed

I

The following documents (D) are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

- D1 DE 102 25 425 A1 (SIEMENS AG [DE]) 18 December 2003 (2003-12-18)
- D2 WO 03/053092 A (SK TELECOM CO LTD [KR]; YUN HONG-SEO [KR]; LEE SANG-HEE [KR]; SOHN SAN) 26 June 2003 (2003-06-26)
- D3 WO 02/43414 A (NOKIA CORP [FI]) 30 May 2002 (2002-05-30)
- D4 EP 1 289 322 A (CIT ALCATEL [FR]) 5 March 2003 (2003-03-05)

II

- 1 The independent claims 1, 11 and 12 are not acceptable in their present form because they do not meet the requirement following from Article 84 taken in combination with Rules 43(1) and (3) EPC that any independent claim must contain all the technical features **essential** to the invention.

It is indeed essential that the personalisation of the message is achieved by **applying personalised metadata** to the MMS message which will determine a personalised **presentation-format**.

Claims 1 and 11 have further very serious clarity problems as, in contrast to claim 12, they do not specify **to which element of the system** the request to transmit the MMS is sent by the first user and that the MMS message will be modified to be **personalised to the second user**.

In other words, the actual broad and vague formulation of these two claims encompasses the possibility of the first user sending, for example, an SMS to the second user asking him if he wants to receive an MMS. The way this feature is formulated is therefore not even technical and not supported by the description either.

What is described in the description is that the first user after receiving his message (personalised with his preferences with the application of personalised **metadata**) transmits a request to the **dispatcher** system to transmit the same MMS to a second user. The dispatcher will then send the MMS to the second user but with applying other metadata which correspond to the **preferences of the second user**.

- 2 By adding these clarifications in the independent claims 1, 11 and 12, the claims **would be clear and involve an inventive step**.

It has to be said at this stage of the procedure that without these clarifications claims 11 and 12 do not differ in an inventive way from the cited prior art. As already explained above, to send a request to transmit an MMS is not considered as technical and cannot be considered as involving inventive activity. Furthermore without clarifying the fact that metadata are responsible for the personalisation of the format of the MMS, the second feature of the claim is not differentiating itself from the cited prior art.

III

If the Applicant intends to proceed further with the present application the following points should also be taken into consideration:

- 1 The independent claims should be in the two-part "characterised" form required by Rule 43(1) EPC, having a pre-characterising part that correctly reflects the nearest prior art.
- 2 In order to meet the requirements of Rule 42(1)(b) EPC, the documents D1 to D4 cited above should be acknowledged and briefly discussed in the opening part of the description.
- 3 The opening part of the description should be adapted to the new claims (Rule 42(1)(c) EPC).
- 4 All the claims should include reference signs to the figures (Rule 43(7) EPC). In the light of the complexity of features, such reference signs appear to be essential to the clarity of the claims.
- 5 The general statement "incorporated herein by reference" on page 2 is not clear. Therefore, either a short acknowledgement of the relevant subject-matter of the corresponding document, to which said statement refers, should, in accordance with Article 123(2) EPC, be added to the description, or, if said document is not relevant for the performance of the invention, such statement should be deleted (cf. also EPC Guidelines C-II-4.19 and 7.4).



European Patent Office
80296 MUNICH
GERMANY
Tel. +49 (0)89 2399 - 0
Fax +49 (0)89 2399 - 4465



White, Duncan Rohan
Marks & Clerk LLP
90 Long Acre
London
WC2E 9RA
GRANDE BRETAGNE

RECEIVED

2 6 FEB 2010

Marks&Clerk

For any questions about
this communication:

Tel. +31 (0)70 340 45 00

Date
25.02.10

Reference PN513441EPA	Application No./Patent No. 09012015.5 - 2416 / 2129062
Applicant/Proprietor NDS Limited	

Communication

The extended European search report is enclosed.

The extended European search report includes, pursuant to Rule 62 EPC, the European search report (R. 61 EPC) or the partial European search report/ declaration of no search (R. 63 EPC) and the European search opinion.

Copies of documents cited in the European search report are attached.

☒ 1 additional set(s) of copies of such documents is (are) enclosed as well.

The following have been approved:

☒ Abstract ☒ Title

☐ The Abstract was modified and the definitive text is attached to this communication.

The following figure(s) will be published together with the abstract: 8

Refund of the search fee

If applicable under Article 9 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.



ANNEX TO THE EUROPEAN SEARCH REPORT ON EUROPEAN PATENT APPLICATION NO.

EP 09 01 2015

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

18-02-2010

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
DE 10225425 A1	18-12-2003	AU 2003243907 A1	22-12-2003
		CN 1659839 A	24-08-2005
		WO 03105425 A1	18-12-2003
		EP 1518375 A1	30-03-2005
		JP 2005529551 T	29-09-2005
		US 2005174261 A1	11-08-2005
WO 03053092 A	26-06-2003	AU 2002353557 A1	30-06-2003
		CN 1605221 A	06-04-2005
		KR 20030049161 A	25-06-2003
		TW 286035 B	21-08-2007
		US 2005138123 A1	23-06-2005
WO 0243414 A	30-05-2002	AU 2634402 A	03-06-2002
		EP 1410659 A2	21-04-2004
		FI 20002566 A	23-05-2002
		US 2002087549 A1	04-07-2002
EP 1289322 A	05-03-2003	CN 1407820 A	02-04-2003
		FR 2828970 A1	28-02-2003
		JP 2003163953 A	06-06-2003
		US 2003040300 A1	27-02-2003
		US 2007173268 A1	26-07-2007



European Patent Office
80590 MUNICH
GERMANY
Tel: +49 89 2399 0
Fax: +49 89 2399 4465

Application No.:

09 012 015.5

The application and the invention to which it relates seem to meet the requirements of the EPC. Upon presence of a valid request for examination and consideration by the examining division, a communication under Rule 71(3) EPC may be issued.

The further procedure with respect to this application is dependent upon the result of the search for prior art under Article 54(3) EPC* which will be carried out at least 18 months from the date of filing of the application under consideration. If such prior art is found, a communication under Rule 71(1) EPC will be sent. The communication under Rule 71(3) EPC can be issued only after that search has been carried out and if no such prior art is found.

* It is to be noted that Article 54(4) EPC 1973 continues to apply to European patent applications still pending, filed before 13.12.2007